

STATE OF TENNESSEE
PUBLIC CHAPTER NO. 428
HOUSE BILL NO. 716

**By Representatives Niceley, Fincher, Watson, Curtis Johnson, Dean, Rich,
Jim Cobb, Evans, Carr, Hill, Todd, Faulkner, Lollar, Campfield, Bell, Kelsey,
Swafford, Hensley, Bass, McCormick, Weaver**

Substituted for: Senate Bill No. 976

By Senators Beavers, Faulk, Crowe, Gresham

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13 and
Title 70, relative to firearms.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1311(b)(1), is
amended by adding the following new subdivisions thereto:

(I) Persons possessing a handgun, who are authorized to carry such
handgun pursuant to § 39-17-1351, while within or on a public park, natural area,
historic park, nature trail, campground, forest, greenway, waterway or other
similar public place that is owned or operated by the state, a county, a
municipality or instrumentality thereof, except as otherwise provided in
subsection (d);

(J) Persons possessing a handgun, who are authorized to carry such
handgun pursuant to § 39-17-1351, while within or on property designated by the
federal government as a national park, forest, preserve, historic park, military
park, trail, or recreation area, to the extent permitted by federal law.

SECTION 2. Tennessee Code Annotated, Section 39-17-1311, is amended by
deleting subsection (d) in its entirety and substituting instead the following new
subsections:

(d) Notwithstanding the provisions of subdivision (b)(1)(I), any
municipality or county may prohibit, by resolution adopted by a majority vote of its
legislative body, persons authorized to carry a handgun pursuant to § 39-17-
1351, from possessing such handgun while within or on a public park that is
owned or operated by a county, a municipality or instrumentality thereof. If a
legislative body elects to prohibit the possession of handguns within a park, the
prohibition shall apply to the entire park, notwithstanding the provisions of § 39-
17-1311(b)(1)(I). If such area is jointly owned or operated by municipalities or
counties, then a resolution adopted by a majority vote of all affected legislative
bodies, voting individually, is necessary for such municipalities or counties to
prohibit persons authorized to carry a handgun pursuant to § 39-17-1351, from
possessing such handgun while within such park.

(e)

(1) Because signage prohibiting the possessing of firearms while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state, or instrumentality thereof, and posted pursuant to § 39-17-1311, prior to July 1, 2009, remains necessary for visitors who are not authorized to carry a firearm pursuant to subsection (b), the department shall not replace or change any existing signs that prohibit firearms or erect any new signs at existing state areas relative to firearms. However, the department may replace or repair signs that have been damaged or are scheduled for replacement in accordance with the park's regular replacement schedule.

(2) If a municipality or county elects to prohibit persons authorized to carry a handgun pursuant to § 39-17-1351, from possessing such handgun while within or on a public park, it shall display in prominent locations the sign authorized by § 39-17-1311(c)(1), to give notice that handguns are not permitted in the park.

(f) A violation of subsection (a) is a Class A misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 39-17-1314, is amended by deleting the first sentence of subsection (a) and substituting instead the following:

Except as provided in § 39-17-1311(d), which allows counties and municipalities to prohibit the possession of handguns while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by a county, a municipality or instrumentality thereof, no city, county, or metropolitan government shall occupy any part of the field of regulation of the transfer, ownership, possession or transportation of firearms, ammunition or components of firearms or combinations thereof; provided, that the provisions of this section shall be prospective only and shall not affect the validity of any ordinance or resolution lawfully enacted before April 8, 1986.

SECTION 4. Tennessee Code Annotated, Section 39-17-1359, is amended by adding the following language as a new, appropriately designated subsection:

(e) The provisions of this section shall not apply to the grounds of any public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state, a county, a municipality or instrumentality thereof. The carrying of firearms in such areas shall be governed by § 39-17-1311.

SECTION 5.

(a) For purposes of permitting municipalities or counties to elect to prohibit the carrying of handguns in parks pursuant to § 39-17-1311(d), this act shall take effect upon becoming a law, the public welfare requiring it.

(b) For purposes of it being lawful for persons authorized to carry a handgun pursuant to § 39-17-1351, to carry in places owned or operated by the state or federal government that are designated in Section 1 of this act, this act shall take effect upon becoming a law, the public welfare requiring it.

(c) For purposes of it being lawful for persons authorized to carry a handgun pursuant to § 39-17-1351, to carry in places owned or operated by municipalities or counties that are designated in Section 1 of this act, this act shall take effect on September 1, 2009.

PASSED: May 26, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 12th day of June 2008



PHIL BREDESEN, GOVERNOR

BILL SUMMARY

SB 0976 BY *BEAVERS, FAULK, CROWE, GRESHAM. (*HB 0716 BY *NICELEY, FINCHER, WATSON, JOHNSON C, DEAN, RICH, COBB J, EVANS, CARR, HILL, TODD, FAULKNER, LOLLAR, CAMPFIELD, BELL, KELSEY, SWAFFORD, HENSLEY, BASS, MCCORMICK, WEAVER.)

Handgun Permits - As introduced, allows any resident who has a valid handgun carry permit to possess a handgun while within the boundaries of any state park. - Amends TCA Title 39, Chapter 17, Part 13 and Title 70.

Fiscal Summary

(CORRECTED) Increase State Expenditures - \$38,200/One-Time

Bill Summary

Under present law, it is a Class A misdemeanor for any person to possess or carry, with the intent to go armed, a firearm, not used solely for instructional, display or sanctioned ceremonial purposes, in or on the grounds of any public park, playground, civic center or other property owned, used or operated by any municipal, county or state government, or instrumentality thereof, for recreational purposes. There is an exception to the prohibition against carrying firearms on public recreation property for peace officers, soldiers, security guards, hunters, persons attending gun shows, and persons delivering or picking up passengers.

This bill authorizes any Tennessee resident who is in immediate possession of a valid handgun carry permit that is issued to the resident to possess a handgun within the boundaries of any state park.

ON APRIL 20, 2009, THE HOUSE ADOPTED AMENDMENT #1 AND PASSED HOUSE BILL 716, AS AMENDED.

AMENDMENT #1 requires the department of environment and conservation to retain existing signs that prohibit firearms in state parks until such time as the signs require replacement or repair due to being damaged or scheduled for replacement in accordance with the park's regular replacement schedule.

ON MAY 18, 2009, THE SENATE SUBSTITUTED HOUSE BILL 716 FOR SENATE BILL 976, ADOPTED AMENDMENTS #2 AND #3, AND PASSED HOUSE BILL 716, AS AMENDED.

AMENDMENT #2 rewrites the bill to authorize any person, whether a Tennessee resident or a resident of another state with which Tennessee has a reciprocal agreement regarding carry permits, possessing a valid handgun carry permit to possess a handgun within or on:

- (1) A public park, wildlife management area, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state, a county, a municipality or instrumentality thereof; and
- (2) Property designated by the federal government as a national park, forest, preserve, historic park, military park, trail, or recreation area to the extent permitted by federal law.

Under this amendment, by resolution adopted by a majority vote of its legislative body, a municipality or county may elect to prohibit persons possessing a valid handgun carry permit from possessing a handgun in a county or municipality owned public park. If a park is jointly owned or operated by municipalities or counties, then each affected legislative body must adopt a resolution by a majority vote to elect the prohibition in that park. The election would effect the entire park.

Under present law, a person, business, or governmental entity may prohibit the otherwise lawful possession of firearms into the property owned by that entity by posting notice. This amendment clarifies that this provision does not apply to any state, county, or municipality owned public place that is described above in (1).

This amendment requires the department of environment and conservation to retain existing signs that prohibit firearms in state parks until such time as the signs require replacement or repair due to being damaged or scheduled for replacement in accordance with the park's regular replacement schedule. If a municipality or county elects to prohibit persons authorized to carry a handgun from possessing such handgun while within or on a public park, then the municipality or county must display a sign to give notice that handguns are not

permitted in the park.

For purposes of it being lawful for persons possessing a valid handgun carry permit to carry in places owned or operated by municipalities or counties as described above, this bill would take effect on September 1, 2009. For all other purposes, the bill would take effect upon becoming a law.

AMENDMENT #3 removes authorization for any person possessing a valid handgun carry permit to possess a handgun within or on a wildlife management area.

ON JUNE 11, 2009, THE HOUSE REQUESTED THE GOVERNOR TO RETURN HOUSE BILL 716.